

AMENDED IN ASSEMBLY JUNE 10, 2004

AMENDED IN ASSEMBLY JUNE 2, 2004

AMENDED IN SENATE APRIL 16, 2004

SENATE BILL

No. 1539

Introduced by Senator Ortiz

February 19, 2004

An act to add Section 1418.05 to the Health and Safety Code, relating to long-term health care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1539, as amended, Ortiz. Long-term care facilities.

The existing Long-Term Care, Health, Safety, and Security Act of 1973 establishes an inspection and reporting system and a provisional licensing mechanism to ensure that long-term health care facilities, as defined, are in compliance with state statutes, regulations, and standards pertaining to patient care. Existing law provides that a person who willfully or repeatedly violates provisions of the act is guilty of a misdemeanor punishable by a fine, imprisonment, or both.

This bill would authorize *a long-term health care facility that has an exclusive contract with a health care provider, as defined, to allow a registered dental hygienist to perform dental hygiene services under a written prescription that has been obtained by the patient or an agent or guardian of the patient.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) This act is intended to promote the provision of quality dental services to residents of long-term health care facilities.

(b) Consistent with that intent, this act neither hinders the ability of long-term health care facilities to oversee the quality of the dental care provided to their residents, nor prevents facilities from requiring registered dental hygienists in alternative practice to meet appropriate credentialing standards.

(c) This act is not intended to require any long-term health care facility to pay more for services rendered by a dental hygienist than the facility would pay to a dentist under an exclusive contract.

(d) Many long-term health care facilities enter into an exclusive contract with a dentist to help ensure that their residents have access to dental care services, however, the Legislature has made it clear that registered dental hygienists in alternative practice are uniquely qualified to provide preventive services and it is the intent to allow them access to patients in such facilities.

(e) The right to choose your own medical care, and to know the name, specialty, and contact information of your health care provider is an integral part of a resident's bill of rights.

(f) The right to know whether the long-term health care facility owns or has any interest in any health care facility or provider that may provide services to residents or whether another health care provider that may provide services owns or has a special interest in the long-term health care facility is also a fundamental right of residents in care facilities.

(g) The patient has the right to choose or receive services from any health care provider, including one that has no financial relationship with the long-term health care facility, unless that care is covered by a health maintenance organization (HMO).

SEC. 2. Section 1418.05 is added to the Health and Safety Code, to read:

1418.05. (a) A long-term health care facility that has an exclusive contract with a health care provider may allow a registered dental hygienist in alternative practice to perform dental hygiene services under a written prescription that has been obtained by the patient, or an agent or guardian of the patient, in

1 accordance with Section 1775 of the Business and Professions
2 Code.

3 (b) As used in this section, “health care provider” means a
4 ~~person licensed under Division 2 (commencing with Section 500)~~
5 *physician and surgeon licensed pursuant to Chapter 5*
6 *(commencing with Section 2000) of Division 2 of the Business and*
7 *Professions Code or pursuant to the Osteopathic Act, or a dentist*
8 *licensed pursuant to Chapter 4 (commencing with Section 1600)*
9 *of Division 2 of the Business and Professions Code.*

